IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2006

CORAM

THE HONOURABLE MR. JUSTICE K.MOHAN RAM

C.M.A.No.1203 of 1999

1.M.Lakshmi
2.O.Manickam .. Appellants (Petitioner)

-Vs-

1. D.Chandran
2. Oriental Insurance Company
Limited, Regional Office
UIL Buildings,
No.8, Esplanade Road,
Chennai 600 018. .. Respondents (Respondents)

APPEAL U/S 173 of the Motor Vehicles Act 1988 against order passed by the learned , Motor Accidents Claims Tribunal, (IV Judge, Court of Small Causes)Chennai dated 19.02.1999 made in M.A.CT. O.P.No.2053 of 1996.

For Appellant : Mr.M.Swamikannu
For Respondent-2 : No appearance
R-1 : NDW

J U D G E M E N T

The above appeal has been filed by the claimants in MCOP No.2053 of 1996 on the file of the Motor Accidents Claims Tribunal (IV Judge of Small Causes), Chennai. The appellants filed the claim petition seeking a compensation of Rs.3,00,000/- towards death of their Son M.Saravanakumar, who was aged 16 years on the date of the accident viz., 09.05.1996.

2. According to the claimants, their son had studied upto 9th standard and in proof of the same Ex.A.1 was marked. The Tribunal on consideration of various decisions cited before it, has awarded a lumpsum compensation of Rs.1,50,000/-. On not being satisfied with the award, the above appeal has been filed.

3. The learned counsel for the appellants by relying upon the Judgment of the Supreme Court reported in IV (2005) ACC 15 in the case of Manju Devi and Another vs. Musafir Paswan and another, submits that the Tribunal ought to have awarded the compensation of Rs.2,25,000/-.

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4. When the case was called, the counsel for the respondents were absent and there was no representation.

5. In the said decision, the Apex Court has observed as follows:-

> "2. In the case of U.P.State Road Trans. Corpn. v. Trilok Chandra, I (1996) ACC 592(SC)=1996 ACJ 831 (SC), it has been held by this Court that there should be no departure from the multiplier method on the ground that payment being made is just compensation. It has been held that the multiplier method must be accepted method for determining and ensuring payment of just compensation as it is the method which brings uniformity and certainty to awards made all over the country. In view of this authority, it will have to beheld that the award of compensation had to be made by the multiplier method.
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> 3. As set out in the Second Schedule to the Motor Vehicles Act, 1988, for a boy of 13 years of age, a multiplier of 15 would have to be applied. As per the Second Schedule, he being a non-earning person, a sum of Rs.15,000/- must be taken as the income. Thus, the compensation comes to Rs.2,25,000/-."

6. When the Hon'ble Apex Court has awarded a sum of Rs.2,25,000/- as compensation in the case of a death of a 13 year old body, the principles laid down in that case has to be applied in this case also.

7. There is no dispute that the deceased boy was aged 16 years on the date of accident. Therefore, this Court is of the considered view that in the light of the principle laid down by the Apex Court in the above said decision, it will be just and proper to award a compensation of Rs.2,25,000/-.

8. In the result, the appeal is partly allowed by enhancing the compensation by Rs.75,000/-. The second respondent is liable to pay the said sum of Rs.75,000/- over and above the amount awarded by the Tribunal with interest at 7 ½ % p.a. from the date of the application. Accordingly the appeal is partly allowed. There will be no order as to costs.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Motor Accidents Claims Tribunal
(The IV Judge,
Court of Small Causes)
Chennai.

2.The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.M.Swamikkannu, Advocate SR 40427
+1cc to Mr.R.Sivakumar, Advocate Sr 40540

RL (CO)
km/8.11.

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